

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEBRASKA

| | | |
|---------------------------|---|-----------|
| UNITED STATES OF AMERICA, |) | |
| |) | |
| Plaintiff, |) | 8:03CR135 |
| |) | |
| v. |) | |
| |) | |
| CURT L. SMITH, |) | ORDER |
| |) | |
| Defendant. |) | |
| _____ |) | |

This matter is before the Court on defendant's motion to reduce sentence (Filing No. 39), and the stipulation of the parties (Filing No. 41). Pursuant to the retroactive amendment to the cocaine base guidelines, the defendant's final offense level is reduced from 32 to 30. His criminal history category remains at II. The government and defense agree that his sentence should be reduced to one hundred twenty (120) months imprisonment, considering the prior computation of specific offense characteristics, adjustments, and departures. Accordingly,

IT IS ORDERED:

1) Said motion to reduce sentence is granted and the stipulation of the parties is approved and adopted; the sentence of the defendant is reduced to one hundred twenty (120) months.

2) The conditions of supervised release entered in the original judgment and committal order remain in full force and effect.

DATED this 12th day of November, 2008.

BY THE COURT:

/s/ Lyle E. Strom

LYLE E. STROM, Senior Judge
United States District Court